

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CHARLES THURSTON,

Plaintiff,

v.

ELI LILLY, INC. and MERCK & CO., INC.,

Defendants.

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Civil Action No. 4:09-CV-3629

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**DEFENDANT MERCK SHARP & DOHME CORP. f/k/a MERCK & CO. INC.'S  
REQUEST FOR COPY OF DISTRICT COURT RECORD AND EXHIBITS**

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Pursuant to the letter dated July 20, 2010, from the United States Court of Appeals for the Fifth Circuit, Defendant Merck Sharp & Dohme Corp. f/ka/ Merck & Co., Inc. (“Merck” or “Defendant”), by and through its undersigned counsel, request this Court to send Merck a copy of the entire district court record, including exhibits, pertaining to the above-styled case to the attention of Haylie H. Crouch, Goldman Ismail Tomaselli Brennan & Baum LLP, 2828 North Harwood, Suite 1730, Dallas, TX 75201. Shipping expenses for the above-referenced request may be charged to Federal Express Account # 470283440.

DATED: August 5, 2010

Respectfully submitted,

**GOLDMAN ISMAIL TOMASELLI  
BRENNAN & BAUM LLP**

By: /s/ Joe W. Tomaselli, Jr.

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**ATTORNEYS FOR DEFENDANT  
MERCK SHARP & DOHME CORP. F/K/A  
MERCK & CO., INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 5, 2009, an electronic form of this Request for District Court Record will be provided to Plaintiff through the Court's electronic filing system (if an email address is registered), and a copy has also been sent via mail to the below address.

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/s/ Joe W. Tomaselli, Jr.